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10/814,022

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Mishel Panariti

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,022

Applicant(s)

PANARITI ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03312004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson (2002/0198813).

Patterson discloses a method and corresponding system and computer readable media for executing a cross trade comprising visually displaying, on a display, a plurality of unexecuted orders for a given financial instrument, the unexecuted orders including a plurality of buy orders and a plurality of sell orders, each order including a price per unit component and a quantity component, automatically identifying cross trading opportunities between one or more of the buy orders and one or more of the sell orders, visually displaying, on the display, a graphical representation of the cross trading opportunities which illustrates the quantity available for cross trading at each price across a predetermined price per unit range; accepting, from a user, a selection of a price within the predetermined price per unit range; accepting, from the user, an execution instruction, and executing a cross trade at the price for the quantity associated with the price in the graphical representation, with the one or more buy orders and one or more sell orders associated with the price and quantity in the graphical representation (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); in response to

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the price selection, the visual display is frozen for up to a predetermined period of time or until the execution instruction is received (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the predetermined period of time is no more than 90 seconds (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the predetermined period of time is no more than 30 seconds (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the identifying step comprises automatically identifies cross trading opportunities between plural ones of the buy orders and plural ones of the sell orders, when such cross trading opportunities arise (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the identifying step comprises automatically identifies cross trading opportunities between one of the buy orders and plural ones of the sell orders, when such cross trading opportunities arise (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the identifying step comprises automatically identifies cross trading opportunities between ones of the sell orders and plural ones of the buy orders, when such cross trading opportunities arise (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the identifying step comprises automatically identifies cross trading opportunities between one of the buy orders and one of the sell orders, when such cross trading opportunities arise (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the graphical representation comprises an axis including indicia identifying prices within the price per unit range, and one or more bars displayed adjacent to the axis, wherein at any given point along the axis, a size of the bar in a direction perpendicular to the axis corresponds to the quantity available for cross trading at the price associated with said given point along the axis (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the axis is one of a vertical axis and a horizontal axis (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128);

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wherein the one or more buy orders and one or more sell orders include orders which have been sent to an execution venue for execution, but for which confirmation of execution has not yet been received (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the execution venue is an ECN (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); accepting the execution instruction includes, accepting, from the user, a de-selection of one or more of the orders associated with the price in the graphical representation, and thereafter accepting, from the user, the execution instruction and executing the cross trade at the price with the one or more buy orders and one or more sell orders associated with the price and quantity in the graphical representation which have not been deselected (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the display includes: a first section displaying market data for the given security; a second section displaying the graphical representation; a third section displaying information regarding the one or more buy orders and the one or more sell orders, the information including at least the price per unit component and the quantity component, and further including indicia indicating which of the one or more buy orders and one or more sell orders form part of the cross-trading opportunity at the selected price (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the input device is a mouse (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the input device is a keyboard (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the input device is a touch screen (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the process accepts, from the user via an input device, one or more of the plurality of unexecuted orders for the given financial instrument (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); at least some of the plurality of unexecuted orders are received from a sales trader process (p.5, 83 to

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p.6, 89 and p.9, 123 to p.10, 128); the predetermined price per unit range is at least equal to a current spread of the given financial instrument for a lesser of a total quantity of the buy orders and a total quantity of the sell orders (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the predetermined price per unit range is at least equal to a current spread of the given financial instrument for a lesser of a total quantity of the buy orders and a total quantity of the sell orders (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the predetermined price per unit range is at least equal to a current spread of the given financial instrument for a lesser of a total quantity of the buy orders and a total quantity of the sell orders (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); the predetermined price per unit range is configurable by the user (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128); and the predetermined price per unit range is at least equal to a current spread between a best bid and offer for the given security inclusive of the best bid and offer (p.5, 83 to p.6, 89 and p.9, 123 to p.10, 128).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LALITA M. HAMILTON
PRIMARY EXAMINER